

## MINUTES OF THE CITY COUNCIL

## CITY OF AUSTIN, TEXAS

## Regular Meeting

February 28, 1974  
1:00 P.M.

Electric Auditorium  
301 West Avenue

The meeting was called to order with Mayor Butler presiding.

## Roll Call:

Present: Councilmen Binder, Dryden, Friedman, Handcox, Lebermann,  
Mayor Butler, Mayor Pro Tem Love

Absent: None

The Invocation was delivered by REVEREND BOYD HARRIS, Grace United Methodist Church.

## CERTIFICATES OF OBLIGATION

Mayor Butler announced that the City Council of the City of Austin had advertised that it would receive sealed bids until 1:00 P.M., CDT, this day for the City of Austin \$1,800,000 Certificates of Obligation. He inquired about the assembly of the bids and if all bids had been received and whether there were any others either through the mail, from the members of the Council, the City Clerk, the Finance Administrator, or anyone present in the Council Chambers. He announced that it was now 1:00 P.M. and the time for receiving bids was closed. Mr. Norman Barker, Finance Administrator, opened and read bids on \$1,800,000 City of Austin, Texas, Certificates of Obligation, Series 1, as follows:

<u>Name of Bidder</u>	<u>Maturity Date</u>	<u>Nominal Interest Rate</u>	<u>Net Interest Cost</u>	<u>Effective Interest Rate</u>
Texas State Bank	January 1, 1975	4.40%	\$132,000	4.190476%
	January 1, 1976	4.40%		
	January 1, 1977	4.00%		

<u>Name of Bidder</u>	<u>Maturity Date</u>	<u>Nominal Interest Rate</u>	<u>Net Interest Cost</u>	<u>Effective Interest Rate</u>
American Bank of Austin	January 1, 1975	4.00%	\$128,175	4.069000%
	January 1, 1976	4.05%		
	January 1, 1977	4.10%		
First City National Bank of Houston	January 1, 1975	5.10%	\$130,878	4.154857%
	January 1, 1976	4.00%		
	January 1, 1977	4.00%		
Underwood, Neuhaus And Co. (Houston)	January 1, 1975	4.90%	\$129,000	4.095240%
	January 1, 1976	3.90%		
	January 1, 1977	4.00%		
Fort Worth National Bank	January 1, 1975	5.20%	\$131,400	4.171420%
	January 1, 1976	4.00%		
	January 1, 1977	4.00%		
First National Bank in Dallas	January 1, 1975	5.80%	\$134,070	4.256190%
	January 1, 1976	4.00%		
	January 1, 1977	4.00%		
Capitol National Bank in Austin	January 1, 1975	4.10%	\$131,325	4.169040%
	January 1, 1976	4.15%		
	January 1, 1977	4.20%		
Republic National Bank of Dallas	January 1, 1975	4.60%	\$128,700	4.085700%
	January 1, 1976	4.00%		
	January 1, 1977	4.00%		
Austin National Bank	January 1, 1975	3.95%	\$126,600	4.019048%
	January 1, 1976	4.00%		
	January 1, 1977	4.05%		

The bids were referred to Mr. Norman Barker and Mr. Curtis Adrian, Financial Advisor, for tabulation. Later in the meeting Mr. Barker announced that the low bid had been from Austin National Bank. Mayor Pro Tem Love moved that the Council accept the bid of Austin National Bank for an effective interest rate of 4.019048%. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Dryden,  
Friedman, Handcox

Noes: None

Not in Council Chamber when roll was called: Councilman Lebermann

MINUTES PERTAINING TO PASSAGE AND ADOPTION OF  
ORDINANCE AUTHORIZING ISSUANCE OF \$1,800,000  
"CITY OF AUSTIN, TEXAS, CERTIFICATES OF OBLI-  
GATION, SERIES NO. 1," DATED APRIL 1, 1974

THE STATE OF TEXAS       X  
                              X  
COUNTY OF TRAVIS       X  
                              X  
CITY OF AUSTIN       X

ON THIS, the 28th day of February, 1974, the City Council of the City of Austin, Texas, convened in regular session at the Electric Building, 301 West Avenue, Austin, Texas, the meeting being open to the public and notice of said meeting having been given as prescribed by Article 6252-17, Section 3A, V.A.T.C.S., with the following members present and in attendance, to wit:

ROY BUTLER

MAYOR

DAN LOVE

MAYOR PRO TEM

DR. S. H. "BUD" DRYDEN       )

BOB BLINDER                )

LOWELL H. LEBERMANN       )

COUNCILMEN

JEFFREY M. FRIEDMAN       )

BERL L. HANDCOX           )

and with the following absent: None,  
constituting a quorum; at which time the following among other business was  
transacted:

The Mayor presented for the City Council's consideration an ordinance authorizing the issuance of \$1,800,000 "CITY OF AUSTIN, TEXAS, CERTIFICATES OF OBLIGATION, SERIES NO. 1," dated April 1, 1974, the caption of said ordinance being as follows:

"AN ORDINANCE by the City Council of the City of Austin, Texas, authorizing the issuance of \$1,800,000 'CITY OF AUSTIN, TEXAS, CERTIFICATES OF OBLIGATION, SERIES NO. 1,' dated April 1, 1974, for the purpose of the purchase of land and a building for authorized needs and purposes of the City; providing the terms and conditions to be followed in the issuance and delivery of such certificates; making provision for the payment of such certificates by the levy and collection of an ad valorem tax; enacting provisions incident and relating to the subject matter and purpose of this ordinance; and declaring an emergency."

The ordinance was read and Councilman Love moved that the rule be suspended which requires that no ordinance shall become effective until the expiration of ten days following the date of its final passage, that such ordinance be finally passed and adopted at this meeting, and that, for the reasons recited therein, said ordinance be passed as an emergency measure for the immediate preservation of the public peace, health and safety of the citizens of Austin as permitted by the City Charter. The motion was seconded by Councilman Friedman and carried by the following vote:

AYES: Mayor Butler and Councilmen Love, Dryden, Binder, Friedman and Handcox.

NOES: None

Not in Council Chamber when roll was called: Lebermann

The ordinance was read the second time and Councilman Love moved that the rules be further suspended and that the ordinance be passed as an emergency measure to its third reading. The motion was seconded by Councilman Friedman and carried by the following vote:

AYES: Mayor Butler and Councilmen Love, Dryden, Binder, Friedman and Handcox.

NOES: None

Not in Council Chamber when roll was called: Lebermann

The ordinance was read the third time and Councilman Love moved that the ordinance be finally passed as an emergency measure. The motion was seconded by Councilman Friedman and carried by the following vote:

AYES: Mayor Butler and Councilmen Love, Dryden, Binder, Friedman and Handcox

NOES: None

Not in Council Chamber when roll was called: Lebermann

The Mayor then announced that the ordinance had been finally passed and adopted.

#### NATIONAL NUTRITION WEEK

Mayor Butler read and then presented a proclamation to representatives of the nutritional profession proclaiming the week of March 3-9, 1974, as "National Nutrition Week." They in turn presented the Mayor with a poster.

#### MILES FOR CHILDREN WALK DAY

Mayor Butler read and then presented a proclamation to representatives of the Capital Area Chapter of the March of Dimes proclaiming Saturday, March 2, 1974, as "Miles for Children Walk Day."

## RECOGNITION

Mayor Butler read and then presented a resolution to Mr. Jerry L. Harris, Assistant City Attorney, signed by the Mayor and members of the Council in honor of his sincere efforts in behalf of good government and wished him success in his exalted position on the judicial bench of the Travis County Court at Law No. 3. Mr. Don Butler, City Attorney, expressed his appreciation for the work Mr. Harris had performed. Mr. Harris thanked the Council for the resolution and indicated that he had enjoyed working with the City and that the experience had been ideal.

## PRESENTATIONS

Mr. Ed Callahan, Chairman of a community group called IMPACT, appeared before Council along with Mrs. C. S. Miller and Mr. Dan Killen, public relations for the group, to present Certificates of Appreciation to Mayor Butler, Mr. S. Reuben Rountree, Jr., Director of Public Works, and to Mr. Dick Lillie, Director of Planning Department. Mrs. Miller presented the award to the Mayor indicating her gratitude in allowing them to be included in the clean-up project. Mr. Killen presented the award to Mr. Rountree thanking him for loaning the group trucks and men in connection with the project. Mr. Callahan presented the award to Mr. Lillie expressing appreciation for his service rendered the group.

## INTRODUCTIONS

Mr. Jack Klitgaard, Tax Assessor-Collector, took this opportunity to announce that there were seven tax assessors-collectors from the Philippines visiting Austin as part of a special training in the United States. He introduced, and the Council welcomed the following:

Anthony Acevedo  
Cipriano P. Cabaluna  
Macrobio A. Chaves  
Lauro S. Cortes

Zosimo C. Mendoza  
Julieta S. Ubas  
Ramon R. Valencia

## APPROVAL OF MINUTES

Councilman Dryden moved that the Council approve the Regular Meeting Minutes of February 21, 1974. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Handcox

Noes: None

Abstain: Mayor Pro Tem Love

Not in Council Chamber when roll was called: Councilman Lebermann

## PROPOSED CREEK ORDINANCE

Mayor Butler opened the public hearing scheduled for 1:00 P.M. on the proposed creek ordinance and consideration of passage of this ordinance. He indicated that the Council had been supplied copies of the proposal which had been submitted by Mr. Les Gage, Chairman of the Citizens' Board of Natural Resources and Environmental Quality, the Planning Commission proposed ordinance, and a summary of the differences between the two ordinances.

Mr. John Rasco, resident of Spicewood Springs Road, understood the proposed ordinance as limiting development along creek beds by requiring that developers or individual parties obtain a permit and that there would be some sort of citizen input as to what could be done with the creek bed itself. He gave an example of development in areas contiguous to the City where there would be no control: the two creeks on either side of the hill below his house. He felt that both creeks had been significantly altered by development and indicated that the creek below his house had a sewer line run up the creek bed. He noticed a lot of changes in this bed as a result. He wanted to see a flood plan developed for Bull Creek. Speaking for some of the residents, he suggested there be some commitment from the Council on development of Spicewood Springs Road and the creeks along there. He indicated that they were mostly concerned about the natural wildlife and watershed. He recommended that the Council study the possibility of different modes of annexing and controlling the development of these creek beds. He stated that they were very strongly against the development of sewer lines in this creek bed.

Councilman Dryden suggested Mr. Rasco do some checking with the Engineering Department. He stated that he would see that quite a bit of planning had been done in the Bull Creek Area.

Mayor Pro Tem Love indicated that this proposed creek ordinance was a first step. He thought that it made good sense to get started with the understanding that an ordinance could be amended or added to.

Mr. Rasco stated that there did not seem to be a recourse once a decision had been made to grant the permit and that there was no outline for what sort of development would be illegal in the future.

Mrs. Janice Jacobson, resident of Westlake Hills, wanted to know whether or not the proposal would include Town Lake and Lake Austin. She felt that the two lakes were an asset to everyone in Travis County and should be preserved to the greatest extent for the public benefit. She thought that the creek ordinance should have provisions requiring a certain setback from the waterfront, height limitations, specification of the percentage of any lot fronting on a creek or lake that could be covered by construction or could be cleared, and all such building permits on the waterfront be cognizant of scenic easements. She was also concerned about the docks that protrude into the lakes. She was in doubt about whether or not there was any regulation about how many docks could be built within a certain area.

Mr. Dick Lillie, Director of the Planning Department, indicated that the City zoning ordinance took care of the height limitations, coverage, and density. He added that the lake district did cover Town Lake and could be extended to Lake Austin if Council wished.

Mrs. Jacobson and Mr. Lillie discussed the various zonings for the lake areas. In closing, she thanked the Council for allowing her to speak and hoped that they would review the proposed ordinance and try to strengthen it to protect the scenic easements along the lakes for the public.

Mr. Don Cox, President of the South River City Citizens, indicated that his organization was very supportive of the creek ordinance but wanted to speak on the differences between recommendations of the Environmental Board as opposed to those of the Planning Commission:

- Section 29-3.1 - In favor of Planning Commission's recommendation
- Section 29-3.4(b) - In favor of Environmental Board's recommendation
- (c) - In favor of Planning Commission's recommendation

At this point Councilman Lebermann stated for the record that on any kind of zoning or special certification situation, the City notifies the neighborhood groups as well as abutting property owners within the 300-foot limitation.

- Section 29-3.6 - In favor of Environmental Board's recommendation
- Section 29-3.9 - In favor of Planning Commission's recommendation
- Section 41-47 - He could not see the difference between the two recommendations. After discussion by Mr. Stuart Henry, Director of Environmental Resource Management, and Mr. Gage, Mr. Cox indicated that he was in favor of the Planning Commission's recommendation.
- Section 41-47.2 - In favor of Planning Commission's recommendation
- Section 41-47.5(b) - In favor of Environmental Board's recommendation
- (c) - In favor of Planning Commission's recommendation
- Section 41-47.6 - In favor of Environmental Board's recommendation
- Section 41-55 - In favor of Environmental Board's recommendation

Mr. Cox thought that this creek ordinance would have prevented the Harper's Creek incident in that Teague-Buda, Inc., would have had to obtain this special permit to begin the bull dozing. He expressed the organization's appreciation for Council's support and stated that he had sent a letter to the editor of the Austin American Statesman thanking the Council for its support, the citizens' support, and the Planning Commission's support. In closing, he urged the Council to pass this creek ordinance with the few stipulations mentioned.

Mr. Dale Napier, representing University City Lobby, commended the Council for considering this positive step forward in environmental protection but stated that they also had reservations. He indicated that there were several sections of the ordinance which they felt needed strengthening to effectively protect the creeks.

1. In reference to a Planning Commission hearing about a system set up consisting of "A," "B," and "C" permits assigned according to the degree of development specified in the application for the development permit - he wanted this system explained.

Mr. Charles Graves, Director of Engineering, indicated that based on an ordinance not complete as yet, from an administrative point, they had just begun to prepare guidelines. He stated that basically they were looking at a situation where the one proposing change would come to them and fill out an application. Guidelines would provide that if this proposed work did not significantly alter the creek, this would be stamped "exempt" rather than granting a permit. As it would become progressively more important to the creek and to the City, they would go to an "A" permit and then to a "B" permit.

Mr. Napier felt that this system should be developed and adopted as part of the creek ordinance at a later time.

2. Section 29-3.4(a) - His proposal in this instance was that this be reworded slightly to read "...The director shall ask for written comments from the parks and recreation board and the citizens' board of natural resources and environmental quality..."
3. Section 29-3.10 - The definition of an aggrieved person - the Committee felt that this definition did not allow for sufficient neighborhood input concerning the proposed development and offered the following rewording:  
"...within 300 feet of the property covered by a development permit and/or the owner of any upstream or downstream property..."

It was mentioned that this wording meant either/or, but Mr. Napier stated that this was subject to misinterpretation.

Mr. Napier felt that without these changes the ordinance would be too weak and too ineffectual to promote any true protection of the creeks. He indicated that they felt a strong creek protection ordinance would allow for significant chances for neighborhood input. He asked the Council to keep itself open for future changes concerning input after the completion of the master drainage study and for input from Austin Tomorrow neighborhood meetings.

Mayor Butler reiterated that any ordinance passed would be a step in the right direction and subject to constant review and updating and could be amended at any time.



Mr. Tom Cowden, representing Austin Sierra Club, wanted to thank all the people in City government and the Austin citizens for showing an untiring interest in preserving Austin's most precious natural resource. He indicated that he was in favor of Mr. Cox's suggestions and felt that passage of this ordinance and its success would depend upon citizen awareness and their genuine interest in City government. He thought that this was a step forward and urged that this proposed ordinance be passed. He submitted photographs to the Council of a development between Scenic Drive and 35th Street. He was hopeful that passage of this ordinance would prevent the type of utter disregard of an area as shown in the photographs.

Councilman Dryden was not in disagreement with what Mr. Cowden had said but wanted to mention that sometimes a bull dozer driver could get in an area not knowing where he was going. He felt that it was not always the fault of the developer.

Ms. Jean Bringol, President of We Care Austin, was gratified at the positive response of the Council in regard to the creek systems. She indicated that her group had had input into the meetings of the Citizens' Board and Planning Commission. She stated that We Care Austin endorsed the proposed amendments to the creek ordinance and that they recognized the definite need for plan, drainage, prevention of flooding and erosion, and preservation of natural character of the creek areas. They felt that it was important that all the creeks in Austin be included in this ordinance. They indicated their support of public notification when a permit application had been made. In conclusion, they urged these amendments be adopted and become a part of the City Code.

Mr. Lloyd Guthrie, representing Save Austin's Valuable Environment, felt that the proposed creek ordinance might be inadequate in some respects and that several sections needed to be elaborated in order to produce a viable ordinance:

1. Section 29-3.6(f) - He felt that this offered no definite guidelines to be used in determining when the natural and traditional character of the land and the waterways had been violated, thereby leaving this decision to the discretion of the Director of Engineering and/or the Planning Commission or Citizens' Board.
2. The Director of Engineering would not be forced to consult anyone outside his department on permits for development of waterways of less than 300 cubic feet per second.
3. An environmental agency such as the Office of Environmental Resource Management should not be asked to review each application.

4. Section 29-3.10 - The definition of an aggrieved person - the general public would not be able to appeal the decisions on development permits. They felt that it was in the best interests of the citizens to have available to them the opportunity to call for reconsideration on permit approvals and denials.

In conclusion, he stated that the proposal might be nothing more than an attempt to appease popular demand for action while providing little actual protection for Austin's scenic creeks. They generally favored these creek ordinance proposals; however, they asked the Council to revise them before the Council accepts and approves the ordinance.

Ms. Susan Morehead, co-chairperson for the Horizons Committee of Austin's Bicentennial celebration, stated that her organization was very much in favor of the acceptance of the proposed amendments to this ordinance. She felt that this was a giant step in the right direction and hoped that the Council would pass the ordinance.

A statement was filed by Mr. Randolph Fain Reece, but he did not present this orally to Council.

Councilman Friedman moved that the Council close the public hearing and instruct the City Attorney to present on March 8, 1974, a final copy of the ordinance that would reflect the ordinance submitted to the Council with the following additions and changes to that proposal:

- Section 29-3.1 - Planning Commission's recommendation -  
"No development, except development which has an inconsequential effect on the environment and on drainage and which has been exempted by the Director of Engineering, shall be undertaken on any land..."
- Section 29-3.4(b) - Environmental Board's recommendation -  
"The Director of Environmental Resource Management shall review and comment to the Director of Engineering on all applications for development permits."
- (c) - Planning Commission's recommendation -  
"Upon accepting an application for a development permit, the Director of Engineering shall notify the owners of all property located within three hundred (300) feet of the applicant's property. Said owners to be determined by the tax records of the City of Austin."
- Section 29-3.6 - Environmental Board's recommendation -  
"That the proposed development preserves the natural and traditional character of the land and waterway to the greatest extent feasible."

- Section 29-3.9 - Environmental Board's recommendation -  
"Said notice shall point out with specificity why, in the opinion of the aggrieved party, the decision of the Planning Commission is incorrect by identifying which paragraphs of Section 29-3.6 are not being met."
- Section 29-3.10 - For clarification -  
"For the purposes of Sections 29-3.8 and 29-3.9 an aggrieved person is the owner of the property covered by a development permit and/or the owner of any upstream or downstream property adjacent to the waterway which is likely to be adversely effected by the proposed development."
- Section 41-47 - Planning Commission's recommendation -  
"Open drainage ditches in lieu of enclosed storm sewers may be installed when the Director of Engineering, on the basis of competent engineering evidence submitted to him in accordance with criteria and guidelines for design, operation and maintenance of drainage facilities established by the City of Austin, concludes that the installation of enclosed storm sewers as set out in Section 41-46 is not required for the protection of health, safety and general welfare."
- Section 41-47.2 - Planning Commission's recommendation -  
"All development on any land, tract, parcel or lot which is adjacent to or crossed by a waterway, except development which has an inconsequential effect on the environment and on drainage and which has been exempted by the Director of Engineering, shall be approved..."
- Section 41-47.5(b) - Environmental Board's recommendation -  
"The Director of Environmental Resource Management shall review and comment to the Director of Engineering on all applications for development permits."
- (c) - Planning Commission's recommendation -  
"Upon accepting an application for a development permit, the Director of Engineering shall notify the owners of all property located within three hundred (300) feet of the tract wherein the development is proposed. Said owners shall be determined by tax records."

Section 41-47.6(c) - Environmental Board's recommendation -  
"That both temporary and permanent erosion control measures are adequate to minimize siltation of the waterway."

(f) - Environmental Board's recommendation -  
"That the proposed development preserves the natural and traditional character of the land and waterway, to the greatest extent feasible."

Section 41-55 - Environmental Board's recommendation -  
"Drainage facilities in suburban subdivisions shall be installed in compliance with the regulations of the City."

The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann, Mayor Butler  
Mayor Pro Tem Love, Councilmen Binder  
Noes: None

#### SOUTHERN UNION RATE ORDINANCE

Mayor Butler opened the public hearing on an amendment to the Southern Union Rate Ordinance (as requested by Southern Union), which was now before the City Council for consideration.

Mr. Frank Denius, representing Southern Union Gas Company, introduced Mr. Dan Crowley, Vice President of Finance of Southern Union; Mr. Bob Laczko, District Manager; and Mr. Richard Baxter, Comptroller and Chief Accounting Officer. Mr. Denius stated that they wanted to seek implementation of Ordinance No. 711014-E which allowed Southern Union to pass on to the consumer the increase by LoVaca of the cost of gas to Southern Union, and he stated that they were not seeking a rate increase. He read portions of the 1971 ordinance and reviewed their contract with Coastal States and the assignment of the contract to LoVaca, stating that Coastal States was the prime obligator to Southern Union Gas Company. He proposed a 60-day time lag and explained that the customers would have more time.

Mr. Laczko submitted charts and a proposed ordinance to the Council. Mr. Crowley reviewed the increased gas cost from the Base Cost Per MCF of 20.50 cents (Schedule 1):

September 27-30	- 29.55¢	- increase of 9.05¢
October	- 29.24¢	- increase of 8.74¢
November	- 31.41¢	- increase of 10.91¢
December	- 58.90¢	- increase of 38.40¢
Total Increased Gas Cost	- \$806,515.40	
Anticipated for January	- 53.70¢	- increase of 33.20¢
Anticipated for February	- 48.73¢	- increase of 28.23¢

He reviewed the increased revenues from General Service Customers (Schedule 2):

Total Increased Revenues	- \$267,693.00
Total Tax to City	- \$ 5,354.00
Total Tax to State	- \$ 5,345.00
Total Net Increase	- \$256,994.00

He reviewed a summary of the increased costs and increased revenues as of December 31, 1973 (Schedule 3):

Total Increased Cost of Gas	- \$806,515.40
Total Amount Recovered Under Cost of Gas Clause	- \$256,994.00
Total Gain or (Loss) by S.U.G.	-( \$549,521.40)
Total Cumulative Balance	-( \$549,521.40)
Total Cumulative Balance (as of February 28, 1974)	-( \$528,259.00)

He reviewed the schedule of dates of when the adjustments would be applied under the proposed ordinance (Schedule 5).

He reviewed the statistics of what would have occurred if the proposed ordinance had been in effect since September 27, 1973 (Schedule 6):

Total Increased Cost of Gas	- \$806,515.40
Total Amount Recovered Under Cost of Gas Clause	- \$154,353.37
Total Uncollected	- \$652,162.03

He reviewed the cost of gas adjustment for 1974 under proposed ordinance after February (Schedule 7):

Total Cumulative Uncollected (April 31, 1974)	- \$250,295.86
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He reviewed the comparison of uncollected under current method versus uncollected under proposed rate ordinance at April 31, 1974 (Schedule 8):

Total Uncollected	- \$304,156.64
(Current Method)	
Total Uncollected	- \$250,295.86
(Proposed Method)	

Mr. Crowley stated that LoVaca estimated the cost of gas to Southern Union for January to be 45.07 cents; and they were actually billed at 58.90 cents, causing a loss for Southern Union of \$549,521.40. They felt that they could carry \$250,000.00.

It was announced that the City Attorney had submitted an analysis of his viewpoint on the proposed ordinance. Mr. Crowley and Mr. Don Butler discussed the differences of opinions in reference to the ordinance. They discussed the increasing and decreasing of the gas rate as necessary to compensate for changes occurring. Mr. Crowley interpreted this as meaning that the additional cost due to taxes would be the same as any other cost. Mr. Butler stated that the ordinance would only provide that Southern Union's rate be increased by the difference between their rate and the base rate of 20.50 cents.

Mayor Butler indicated that at the time the Council had passed the ordinance in 1971 his intent was that Southern Union would have the right and be able to pass on the net increase brought about by an increase in the rate at the gate and no more - no handling charge, no unaccounted for gas, no overhead, no profit, no markup, and no administrative expenses.

The City Attorney made the following comments:

1. The December undercharge could not be collected under the present ordinance.
2. The proposed ordinance would allow Southern Union to collect the \$250,000.00.
3. The taxes and lost and unaccounted for would be authorized under the proposed but not present ordinance and the past collections would be legitimized.

Mayor Butler asked about different methods of recouping the funds. The City Attorney felt that the present ordinance would be a better method of recovery of uncollected funds as opposed to the proposal because Southern Union would have a faster collection rate.

Mr. Scotty McGroth stated that Southern Union had entered into a contract with the City, and the Council should not allow them to collect for shrinkage and taxes because this was not written into the ordinance. He felt that the Company should have to absorb the loss.

Mr. Larry Neiman, Austin attorney representing Austin Apartment Association, appeared in opposition to the proposal and made the following remarks:

1. This proposal would be a rate increase to the customer.
2. Would be an increase which would recoup the past lost profits.
3. Would avoid the future profits.
4. Would pass on taxes.

He submitted a draft of his explanation of how the present ordinance works and how the proposed ordinance would work. When asked if he felt that Southern Union should be allowed to recoup this money, he was against this because they had made an agreement.

Mr. Jim Boyle, representing the Texas Consumer Association, agreed with Mr. Neiman in that Southern Union should be held to their agreement.

Mr. Frank Ivy, representing the student body at the University of Texas, stated that in the summer and spring months Southern Union would begin to recoup their losses.

#### Motion

After discussion, Councilman Dryden moved that the Council close the public hearing and instruct the City Attorney to meet with Mr. Denius and present proposed alternatives on March 7, 1974. The motion was seconded by Mayor Pro Tem Love.

#### Substitute Motion

Councilman Handcox made a substitute motion that the Council close the public hearing and instruct the City Attorney to meet with Messrs. Denius, Ivy, Neiman, and Boyle and present proposed alternatives to Council on March 7, 1974. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Butler, Councilmen Binder,  
Friedman  
Noes: Mayor Pro Tem Love, Councilman Dryden

#### ANNEXATION HEARING

Councilman Friedman moved that the Council adopt a resolution setting a public hearing at 1:00 P.M. on March 21, 1974, to consider annexing the following:

25.83 acres of land out of the Theodore Bissel League.  
(Cherry Creek, Phase IV, Section Two.) Requested by Austex  
Development Company, Ltd., owners.

59.39 total acres of land:

- a. 39.55 acres of land out of the James Rogers Survey.  
(Balcones Woods Section Three-A - 25.43 acres and  
Balcones Woods Section Three-B - 14.12 acres.)  
Requested by owner's representative, T. P. Wilcox.
- b. 19.84 acres of land out of the James Rogers Survey.  
(unplatted land.) Initiated by the City of Austin.

The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,  
Councilmen Dryden, Friedman  
Noes: None  
Not in Council Chamber when roll was called: Councilmen Binder,  
Handcox

#### STREET NAME CHANGE

Councilman Lebermann moved that the Council adopt a resolution approving a street name change from Scenic Pass Circle to Mount Bonnell Circle. (Requested by all the owners of the properties contiguous to this street.) The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Dryden, Friedman,  
Lebermann  
Noes: None  
Not in Council Chamber when roll was called: Councilman Binder,  
Handcox

#### LICENSE AGREEMENT

Councilman Friedman moved that the Council adopt a resolution granting a license agreement for the following:

W. D. DODSON - Permitting above-ground encroachment over portions of a ten (10.00) foot sanitary sewer easement, at the northwest corner of the intersection of River and Rainey Streets, in a proposed resubdivision of a part of Block 6, DRISKILL'S and RAINEY'S Subdivision, said proposed resubdivision to be known as RAINY RIVER ADDITION." (Requested by W. D. Dodson, owner of the property in question.)

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Dryden, Friedman, Lebermann,  
Mayor Butler  
Noes: None  
Not in Council Chamber when roll was called: Councilmen Binder, Handcox



## CONTRACTS AWARDED

Motion

Councilman Handcox moved that the Council adopt resolutions awarding contracts listed on the agenda as "a - m" except for the contract for Catering Services Program for the elderly listed as "i". Councilman Friedman seconded the motion.

Substitute Motion

Mayor Pro Tem Love made a substitute motion that the Council adopt resolutions awarding the following contracts:

1. PACIFIC PUMPS DIVISION - Boiler Feed Pumps for Decker  
DRESSER INDUSTRIES, INC. Unit #2 - \$528,705.00  
601 Jefferson  
Houston, Texas
2. YUBA HEAT TRANSFER CORP. - Closed Feedwater Heaters for  
P. O. Box 3158 Decker Unit #2 - \$636,674.00  
Tulsa, Oklahoma
3. GRAVER WATER CONDITIONING - Deaerating Feedwater Heater for  
COMPANY Decker Unit #2 - \$160,380.00  
U. S. Highway 22  
Union, New Jersey
4. CONCO, INC. - Turbine Room Crane for Decker  
Mendota, Illinois Unit #2 - \$141,760.00
5. WATSON DISTRIBUTING - Industrial Trucks  
COMPANY Vehicle and Equipment Services Department  
9111 Broadway Bid Item 1, 3 ea. @ \$1,957.25  
San Antonio, Texas Bid Item 3, 1 ea. @ \$2,281.45  
Bid Item 4, 2 ea. @ \$2,281.45  
Total - \$12,716.10
6. Bid Award - Administrative Sedans
  - a. JAY SMITH CHRYSLER - Bid Item 1, 1 ea. @ \$3,499.00  
PLYMOUTH Bid Item 2, 1 ea. @ \$3,479.00  
841 West 6th Street Bid Item 6, 1 ea. @ \$3,558.00  
Austin, Texas Bid Item 7, 7 ea. @ \$3,249.00  
Bid Item 8, 56 ea. @ \$3,193.00  
Bid Item 9, 3 ea. @ \$3,269.00  
Total - \$221,894.00
  - b. LEIF JOHNSON FORD - Bid Item 3, 13 ea. @ \$3,456.70  
501 East Koenig Lane Bid Item 4, 3 ea. @ \$3,358.47  
Austin, Texas Bid Item 5, 2 ea. @ \$3,410.71  
Total - \$61,833.93

7. Bid Award - Refuse Compactor  
Scraper Loader
- HOLT MACHINERY COMPANY - Bid Item 1, 1 ea. Refuse  
9601 Interregional High- Compactor - \$94,610.00  
way  
Austin, Texas
- WAUKESHA PEARCE - Bid Item 2, 1 ea. Scraper  
INDUSTRIES Loader - \$80,968.00  
12320 South Main  
San Antonio, Texas
8. CLOSNER EQUIPMENT - Self-Contained Heated  
COMPANY Asphalt Storage Tank  
1415 Poplar Street Street and Bridge Division  
San Antonio, Texas Bid Item 1, 1 ea. - \$24,998.00
9. GOVERNOR'S RETIREMENT - Catering Services  
RESIDENCE Program for the Elderly  
2612 Guadalupe Administered by Parks and Recreation  
Austin, Texas Estimated Cost - \$79,350.00

Councilman Handcox questioned this item because the contract recommended had not been the low bidder. Mr. Dan Davidson, City Manager, indicated that the bid recommended had provided similar services for the Department of Mental Health-Mental Retardation; and the other bidder, Winscher Associates, had not had kitchen facilities.

Ms. Eloise Compos, President of Winscher Associates, stated that in the application there had been no mention of the requirement for a kitchen. She elaborated on the various steps taken to prepare for the contract and mentioned that since the filing of the application, kitchen facilities had been obtained through the joint venture with Jimmy Mosely, Delwood Cafeteria.

Mr. Jack Robinson, Director of Parks and Recreation, indicated that it was their concern that Winscher Associates did not have the expertise for meeting the contract and that no one in the company had any nutritional experience in food of this type.

Mr. Bob Winscher of Winscher Associates appeared and stated that the other bidder had not had proper transportation facilities at the time the applications had been filed.

Mr. Joe Powers, Director of food services at the Governor's Retirement Residence, indicated that they did have delivery service and had minority in their employ.

10. AMERICAN TEKTONICS, INC. - Roof Repair proposal for Doris  
3511 Alpine Circle #3 Miller Auditorium - \$8,247.16  
Austin, Texas
11. THE CLEAN SWEEP COMPANY - Custodial Cleaning and Window  
3906 North Lamar Washing Service Contract for one  
Austin, Texas year and authorization for City  
Manager to exercise one-year  
extension - \$57,444.60
12. WALTER TIPS COMPANY - Protective Relays for Austrop  
200 Colorado Bid Item 1-21 - \$5,436.68  
Austin, Texas
13. Rejection of Bid - Stage floor remodeling for the  
Auditorium and Convention Center

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Lebermann, Mayor Butler, Mayor Pro Tem Love  
Noes: Councilmen Friedman, Handcox, Binder

#### PROFESSIONAL SERVICES

Councilman Binder moved that the Council select Radian Corporation for professional services for making an Environmental Analysis and Report in connection with the following projects for the Water and Wastewater Department:

Onion Creek Wastewater Interceptor, Onion Creek Plantation  
S/d Westerly to Boggy Creek South. (Capital Improvements  
Program Project No. 5063 0)

Boggy Creek South Wastewater Interceptor, Onion Creek West  
to Manchaca Road. (Capital Improvements Program Project  
No. 5073 1)

The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Butler,  
Mayor Pro Tem Love, Councilman Binder  
Noes: None  
Not in Council Chamber when roll was called: Councilman Dryden

#### RELEASE OF EASEMENT

The Council had before it for adoption a resolution authorizing release of a public utility easement. Councilman Binder inquired as to whether it seemed to be the same developer that built over these easements. Mr. Dan Davidson explained reasons as to the necessity of these releases. Councilman Lebermann moved that the Council adopt a resolution authorizing release of the following easement:

A portion of a 7.50 foot public utility easement in Lot 2,  
BLOCK C, THE VILLAGE, SECTION SIX. (Requested by Nash  
Phillips-Copus Company, owner of said Lot 2.)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Pro Tem Love, Councilmen  
Binder, Dryden

Noes: None

Not in Council Chamber when roll was called: Mayor Butler, Councilman  
Friedman

#### ENGINEERING TESTING SERVICES

Councilman Lebermann moved that the Council select Rodgers Engineering  
for engineering testing services in connection with the following Capital  
Improvements Program Projects:

##### "Miscellaneous Legacy of Parks Projects"

<u>Parks</u>	<u>C.I.P. Project No.</u>
Gillis Park	8645 1
Govalle Park	8645 3
Westenfield Park	8636 1
Shipe Park	8636 2
Zaragosa Park	8614 1
Givens Park	8645 9
Zilker Park	8626 0

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Pro Tem Love, Councilmen Binder,  
Dryden, Handcox

Noes: None

Not in Council Chamber when roll was called: Mayor Butler, Councilman  
Friedman

#### MANPOWER TRAINING PROGRAMS

Councilman Dryden moved that the Council adopt a resolution authorizing  
the City Manager to initiate a letter of intent to the Department of Labor which  
would set in motion the prime sponsorship designation of Manpower Training  
Program in the Capital Area. Prime sponsorship will result in the City of Austin  
receiving Department of Labor funds for the planning and operation of Manpower  
Training Programs in the ten-county Capital Area in the Fiscal Year (FY) 1975.  
The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Dryden, Handcox, Lebermann

Noes: None

Not in Council Chamber when roll was called: Mayor Butler, Councilmen  
Binder, Friedman

#### BRACKENRIDGE HOSPITAL SCHOLARSHIP AND LOAN PROGRAM

Councilmen Dryden moved that the Council adopt a resolution authorizing the City Manager to submit a grant application to the Department of Health, Education and Welfare for continuation of the Brackenridge Hospital Scholarship and Loan Program in the School of Nursing. Grant application will be for \$45,900, of which the City will provide \$5,100 or one-ninth of the Federal contribution if funded. Contract period will be July 1, 1974 through June 30, 1975. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Dryden, Handcox, Lebermann

Noes: None

Not in Council Chamber when roll was called: Mayor Butler, Councilmen  
Binder, Friedman

#### PARKS FACILITIES IMPROVEMENTS

Councilman Dryden moved that the Council adopt a resolution authorizing the Community Development Office to enter into a contract for Parks Facilities Improvements at the Montopolis playground with the Parks and Recreation Department. Funding will be: \$65,608 - Model Cities and \$20,500 - Bureau of Outdoor Recreation. Total will be \$86,108. Contract period will be March 1, 1974 through August 31, 1974. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Dryden, Handcox, Lebermann

Noes: None

Not in Council Chamber when roll was called: Mayor Butler, Councilmen  
Binder, Friedman

#### ACQUISITION OF LAND FOR PARK

Councilman Dryden moved that the Council adopt a resolution authorizing the acquisition of 7410 Providence Street (Carrie E. Black Martin) for a park in St. John's neighborhood. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Dryden, Handcox, Lebermann

Noes: None

Not in Council Chamber when roll was called: Mayor Butler, Councilmen  
Binder, Friedman

## ACQUISITION OF LAND FOR SPRINGDALE ROAD

Councilman Dryden moved that the Council adopt a resolution authorizing the acquisition of certain land for Springdale Road widening and paving project:

1. 629 square feet of land out of Lot 1, Block 1, E. C. Goodwin Subdivision (Mrs. Oneda Blanche Howard).
2. All the East 5 feet of Lot 8, Siegmund Addition (Austin Independent School District).
3. Two strips of land each 5 feet wide out of Block 1, E. C. Goodwin Subdivision (Tom Bashara, et ux).
4. 3,408 square feet of land out of that certain 0.62 of one acre out of the J. C. Tannehill League (Austin Enterprises, Inc.)

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Handcox, Lebermann  
Noes: None  
Not in Council Chamber when roll was called: Councilman Friedman, Mayor Butler

## DISPOSAL OF RIGHT OF WAY

Councilmen Lebermann moved that the Council adopt a resolution consenting to disposal of certain right of way owned by the State of Texas according to its regular priority basis. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Handcox, Lebermann, Mayor Pro Tem Love  
Noes: None  
Not in Council Chamber when roll was called: Councilman Friedman, Mayor Butler

## CONDEMNATION FOR PARK PURPOSES

Councilman Lebermann moved that the Council adopt a resolution authorizing condemnation for park purposes of North 50 feet, of West 93 feet of Lot 1, Block 9, Bergman Valley View Addition in the City of Austin, also known as 19 Chicon Street. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Handcox, Lebermann, Mayor Pro Tem Love, Councilman Binder  
Noes: None  
Not in Council Chamber when roll was called: Councilman Friedman, Mayor Butler

## APPROVAL OF DISPOSITION

Councilman Lebermann moved that the Council adopt a resolution approving disposition of Parcels I-29, I-32 and I-33, Blackshear Project, Tex A-11-2. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Pro Tem Love, Councilmen Binder, Dryden

Noes: None

Not in Council Chamber when roll was called: Councilman Friedman, Mayor Butler

## CASH SETTLEMENT

Councilman Lebermann moved that the Council adopt a resolution authorizing cash settlement as follows:

H. D. MOTSENBOCKER - For 60%/40% cash settlement in lieu of refund contract for sewer main installed in Motsenbocker Subdivision, Sections 1 and 2 - \$5,361.72.

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Pro Tem Love, Councilman Dryden

Noes: Councilman Binder

Not in Council Chamber when roll was called: Mayor Butler, Councilman Friedman

## HEARING ON APPEAL

Councilman Lebermann moved that the Council set a public hearing on March 14, 1974, at 1:00 P.M. on an appeal of the Planning Commission's decision granting Frank Barron a special permit for a 144-unit apartment project on a 4-acre tract, Case #CI 4p-74-002. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Pro Tem Love, Councilmen Binder, Dryden, Handcox

Noes: None

Not in Council Chamber when roll was called; Mayor Butler, Councilman Friedman

## USE OF CITY DATA PROCESSING FACILITY BY DEMOCRATIC AND REPUBLICAN PARTIES

Councilman Lebermann moved that the Council authorize an agreement with the Democratic and Republican Parties of Travis County for use of the City Data Processing Facility and Municipal Building to electronically count votes for the May 4 and June 1 Primary Elections. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Handcox,  
Lebermann

Noes: None

Not in Council Chamber when roll was called: Mayor Butler, Councilman  
Friedman

#### ANNUAL FLOWER AND GARDEN SHOW

Mr. W. R. Bodine, President of the Austin Area Garden Council, appeared requesting approval of an admission charge for the Annual Flower and Garden Show on April 6-14, 1974. Councilman Lebermann moved that the Council grant Mr. Bodine's request. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Handcox,  
Lebermann

Noes: None

Not in Council Chamber when roll was called: Councilman Friedman,  
Mayor Butler

#### INSTALLATION OF TRAFFIC SIGNAL

Mr. David Wright, representing the Vista Volunteers in Austin, had requested to appear before Council to discuss the possibility of having a traffic control signal placed at the intersection of South Fifth and Oltorf Boulevard for safety reasons. He appeared and yielded to Mrs. Jimmie Briones, 1000 West Oltorf. She filed a petition with 602 signatures supporting the installation of the light for safety and well being of the children in the area.

The City Manager indicated that this was under study by the Department of Urban Transportation. Mr. Allan Breacher, Assistant Director for Traffic Engineering, appeared and indicated that the study could be completed in two to three weeks. It was requested that this study be complete within two weeks and a report of this study be submitted to the City Manager.

#### DECKER LAKE PARK FEE

Mr. Mark E. Lett, Director of Recreation of Texas Department of Mental Health and Mental Retardation, and Dr. Victor Hinojosa, Superintendent, had requested to appear before Council in reference to the fee for park use at Decker Lake Park being lifted for the residents of the Travis State School. It was stated that the present fee was 50 cents per bus load, and the school would be making six trips per day, four days per week.

#### Motion

Councilman Friedman moved that an amendment to the present ordinance setting these fees be presented to Council on March 7, 1974, to allow for the omission of the fee. Councilman Binder seconded the motion.



Mr. Jack Robinson, Director of Parks and Recreation, recommended that due to the numerous similar requests by various groups, possibly the City could establish an associated recreation program with this School, whereby the City could sponsor them in connection with the use of recreational facilities so that the ordinance would not have to be amended. Messrs. Robinson, Lett and Hinojosa were requested to meet and work out a possible solution.

Councilman Friedman withdrew his motion, and Councilman Binder withdrew his second.

#### DRAINAGE PROBLEM

Mr. Philip F. Adams, Jr., appeared before Council to discuss a drainage ditch which ran through Cherry Creek and on two sides of his property. He discussed the flooding of his property last October indicating that the ditch *could not handle the load placed on it compounded by the fact that it made four 90-degree turns in less than 125 yards.* He reviewed his course of action in discussing this problem with various City personnel in order to alleviate the situation. He had been told by Mr. Ken Tunks, design engineer, that the City would be willing to share expenses on a 50/50 basis to construct walls to retain his property. He read a letter from Mr. Conway Taylor, a licensed appraiser, in which Mr. Taylor wrote that it was his opinion that the damage done was estimated at \$1,500 and that this could be a result in loss in value of the property. Mr. Adams requested that the drainage ditch be cemented in or covered.

The City Manager informed him that in accordance with the existing City policy, the City was prepared to pay one-half the cost to install walls along his property so that it would not erode further. In response to this, Mr. Adams felt that the installation would not eliminate flooding in the future.

There was discussion as to the plans drawn on the property. Mr. Charles Graves, Director of Engineering, stated that the City never had approved the plans because his Department was unable to agree with the consultant on his proposed plan. It was indicated that the staff would make contact with the developer to determine if something else could be done.

#### REFUND CONTRACTS

The Mayor Pro Tem introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH CLARKE-FRATES CORPORATION, INCORPORATED; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

The ordinance was read the first time, and Councilman Dryden, moved that the ordinance be passed to its second reading. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Handcox, Lebermann, Mayor Pro Tem Love  
Noes: Councilmen Friedman, Binder  
Not in Council Chamber when roll was called: Mayor Butler

The Mayor Pro Tem brought up the following ordinance for its second reading:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH JOE GILBRETH AND COMPANY, INCORPORATED AND EDGECLIFF REALTY COMPANY; BATTLE BEND SPRINGS, INCORPORATED; AND LAND EQUITIES, INCORPORATED AND CHEVY CHASE SOUTH, LTD.; AND DECLARING AN EMERGENCY.

The ordinance was read the second time, and Councilman Dryden moved that the ordinance be passed to its final reading. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Handcox, Lebermann, Mayor Pro Tem Love  
Noes: Councilmen Friedman, Binder  
Not in Council Chamber when roll was called: Mayor Butler

#### BLASTING

Mr. Norman Haertig, President of Northwest Austin Civic Association, appeared before Council to discuss uncontrolled blasting procedures. He submitted a letter to the Council describing an incident occurring February 19, 1974, where a 10-pound rock (which he presented) had been blasted through the roof of Mr. and Mrs. Keith Johnson's garage as a result of blasting operations performed by a contracting company who was doing work for Southern Union Gas. He also mentioned a similar incident occurring on August 7, 1973. An Ad Hoc Committee formed for the purpose of evaluating this problem wanted to go on record with respect to the following observations:

1. City Fire Prevention Code, Article 12 on explosives, ammunition, and blasting agents, had been violated.
2. As specified in Section 11.128, whereby blasting done in a congested area should be covered before firing with a mat constructed so that capable of preventing rocks being thrown into the air - such a mat had not been used in either instance.
3. Substantial amount of improvement necessary with respect to the enforcement of the City Code. City should allocate appropriate inspection forces in the fire marshal's office to insure that the Fire Prevention Code is adequately followed.
4. With respect to explosives, the Code should be reviewed for possible areas of improvement to include:
  - a. Prequalification and review of those seeking permits.
  - b. Periodic checking and continued testing of qualifications of those active in the blasting business.

- c. Improved advanced warning provisions when blasting taking place in congested area.
- d. Consideration of seismic monitoring devices for continuous recording during blasting operations.
- e. Possible improvement of bonding and insurance requirements for those seeking and holding blasting permits.

He indicated that his group was ready to assist Council and staff in improvement and enforcement of this proposed policy. They also requested that the City staff work with the Ad Hoc Committee to evaluate and improve such operations. The City Manager stated that these citizens were valid and correct and appreciated their help. He requested more help before completion of the study and recommendation. He mentioned that Mr. Homer Reed, Deputy City Manager; Mr. John German, Street and Bridge Department; and the Fire Chief had met with each contractor involved in this type of business, at which time they discussed the problems, complaints received, and the City's course of action that was underway at that time. The contractors gave their support and assistance in this area. In conclusion, the City Manager noted that the permit to the contractor for the blasting had been rescinded and charges were filed in violation of the City Code.

#### SUNSET VALLEY

The City Manager's report on matters pertaining to Sunset Valley was postponed until March 7, 1974.

#### FLOOD INSURANCE

Councilman Friedman requested a City Manager's report be submitted to Council on March 7, 1974, in reference to flood insurance.

#### ZONINGS SET FOR PUBLIC HEARING APRIL 4, 1974

The City Manager reported that the following zoning applications had been referred to the Planning Commission for recommendation and had been set for public hearing on April 4, 1974:

BEN HUR SHRINE TEMPLE By Joseph P. Witherspoon III C14-74-013	7901-8131 Research Blvd. (U.S. 183) 7900-8114, 8200-8212 and rear of 8116-8154 North Lamar Blvd.	From Interim "A" Residence 1st Height and Area To "C" Commercial 4th Height and Area
RICHARD BERNARD ROBINSON, ET UX C14-74-014	1139D-1141D Springdale Road	From "A" Residence To "C" Commercial

DAVID L. LINDSEY C14-74-015	4300 Shoalwood Avenue 1800-1802 West 43rd Street	From "A" Residence To "B" Residence
CARL W. COLE and EDGAR A. SMITH C14-74-016	5429-5535 S. Congress Avenue 5528-5534 Wasson Road	From Interim "A" Residence 1st Height and Area To "C" Commercial 1st Height and Area
GULF OIL CORPORATION By W. B. Anderson C14-74-017	7504 North Inter- regional Highway 35	From "C" Commercial 6th Height and Area To "C" Commercial 2nd Height and Area
NORENCE LANCE By James C. Lance C14-74-018	5537 Decker Lake Road	From Interim "A" Residence 1st Height and Area To "C-2" Commercial 1st Height and Area
TEXAS MUNICIPAL RETIREMENT SYSTEM C14-74-019	700-702 East 12th Street 1201-1205 Sabine Street	From "B" Residence To "LR" Local Retail
IZA M. WALLIN and ALLEN C. CLARK By William Terry Bray C14-74-020	Rear of 5501-5511 North Lamar Blvd. 704-714 Nelray Boulevard	From "A" Residence To "C" Commercial
SPICEWOOD ENTERPRISES, INC. and JACK L. BURKETT By Phil Mockford C14-74-021	3809-3913 Spicewood Springs Road	From Interim "A" Residence 1st Height and Area To "LR" Local Retail 1st Height and Area (Tracts 1 and 3) and "O" Office 1st Height and Area (Tract 2)
EDWARD R. RATHGEBER, JR. By Tom Curtis C14-74-022	6900-7014 Nuckols Crossing Road	From Interim "A" Residence 1st Height and Area To "GR" General Retail 1st Height and Area
EDNA HOUSTON and ROBERT J. HOWARD By Martin Boozer, Jr. C14-74-023	1604-1606 East 19th Street 1900-1904 Leona Street	From "A" Residence To "LR" Local Retail
JOHN BODE, TRUSTEE By Tom Bradfield C14-74-024	5720 Balcones Drive	From "A" Residence To "LR" Local Retail

TOM W. BRADFIELD C14-74-025	5752 Balcones Drive	From "A" Residence To "LR" Local Retail
BETTYE JO LUMKINS By Robert L. Davis C14-74-026	3501-3503 Owen Circle 3411 Owen Avenue	From "BB" Residence 1st Height and Area To "O" Office 2nd Height and Area
CONTINENTAL ASSURANCE COMPANY By Dennis J. Kavanaugh C14-74-027	2014-2018 Whitis Avenue 301-305 West 21st Street	From "C" Commercial To "C-2" Commercial
FAWNRIIDGE DEVELOPMENT CORPORATION By Robert L. Davis C14-74-028	7901-7907 South 1st Street also bounded by Dittmar Road and Boggy Creek	From Interim "A" Residence 1st Height and Area To "LR" Local Retail 1st Height and Area
CITY OF AUSTIN initiated by the Planning Department C14-74-029	2739-2945 Loyola Lane	From Interim "A" Residence 1st Height and Area and "GR" General Retail 1st Height and Area To "A" Residence 1st Height and Area
GOV. ALLAN SHIVERS, JOHN SHIVERS and C. McADEN By Dan Felts C14-74-246	5300-5306 Joe Sayers Avenue 1500-1504 North Loop Boulevard	From "B" Residence 1st Height and Area To "B" Residence 2nd Height and Area (as amended)
EMILE JAMAIL, M. M. BRINKLEY and BILL R. BRINKLEY By Robert L. Davis C14-74-251	8000 U. S. Highway 290 East. Rear of 7700- 8000 U. S. Highway 290 East. Rear of 2400- 2448 Ed Bluestein Boulevard. also bounded by Old Cameron Road	From Interim "A" Residence 1st Height and Area To "O" Office 1st Height and Area (Tract A) and "B" Residence 1st Height and Area (Tract B) (as amended)
UNIVERSITY COOPERATIVE SOCIETY, INC. By Phil Mockford C14-74-004	2211-2217 Nueces Street 507-511 West 23rd Street	From "B" Residence 2nd Height and Area To "GR" General Retail 2nd Height and Area

PLANNED UNIT DEVELOPMENTS

HOUSTON INSTRUMENT C814-74-001	8500 Cameron Road	4 office buildings with recreation facilities including baseball field, pool and tennis courts, called "Houston Square," a proposed planned unit development. (Presently zoned Interim "A" Residence, 1st Height and Area)
FRED EBY, JR. By Robert H. Judd C814-74-002	4000 Mt. Bonnel Drive	199 attached single-family dwelling units with marina, tennis courts and boat dock facilities, called "Williamsport," a proposed planned unit development. (Presently zoned "A" Residence, 1st Height and Area)
AUSTEX DEVELOPMENT COMPANY, LTD. By Louis Kirchofer, Jr. C814-74-003	5600 Block of Westgate Boulevard also bounded by Cherry Creek Drive	25 attached single-family dwelling units with common open space and recreation facilities, called "Old Town West," a proposed planned unit development. (Presently zoned "A" Residence, 1st Height and Area)
AUSTEX DEVELOPMENT COMPANY, LTD. By Louis Kirchofer, Jr. C814-74-004	5600 Block of Westgate Boulevard also bounded by Stassney Lane	27 attached single-family dwelling units with common open space and recreation facilities, called "Old Town East," a proposed planned unit development. (Presently zoned "A" Residence, 1st Height and Area)
CAT MOUNTAIN PROPERTIES By Jeryl D. Hart, Jr. C814-74-005	Lookout Mountain Drive and F. M. Road 2222	372 attached and detached single-family dwelling units with common open space and amenities, called "Cat Mountain Villas," a proposed planned unit development. (Presently zoned "A" Residence, 1st Height and Area)

## ADJOURNMENT

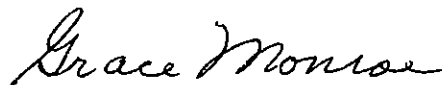
The Council adjourned at 5:45 P.M.

APPROVED

A large, stylized handwritten signature in cursive script, reading "Roy Butler".

Mayor

ATTEST:

A handwritten signature in cursive script, reading "Grace Monroe".

Acting City Clerk